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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/507,161

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EXAMINER

O HERN, BRENT T

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/507,161

**Applicant(s)**

TANAKA, YASUSUMI

**Examiner**

Brent T. O'Hern

**Art Unit**

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 30-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 35-36, 44-45 and 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "wherein an interval of the vertical partitions in the set and an interval of the vertical partitions in the another set is equal, and the vertical partitions are aligned in a line at respective positions in the air bag" in claim 35, lines 1-3 is vague and indefinite since it is unclear where is the interval, what is equal and where the respective positions is located.

The phrase "wherein an interval of the vertical partitions in the set and an interval of the vertical partitions in the another set is equal, and the vertical partitions of the set are positioned away from the vertical partitions of the another set by half the interval" in claims 36 and 45, lines 1-4 of both claims is vague and indefinite because it is unclear what is the interval, in what way the partitions are equal, how the partitions are positioned away and what is a half interval.

The phrase "wherein an interval of the vertical partitions in the set and an interval of the vertical partitions in the another set is equal, and the vertical partitions are aligned in a line at respective positions in the air bag" in claim 44, lines 1-3 is vague and

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indefinite for the reasons discussed above as well as the uncertainty of what the respective position is referring to.

The phrase "portioning surface" in claim 49, line 1 is vague and indefinite because it is unclear whether the portioning surface refers to an edge line of one of the walls, a surface or something else.

Clarification and/or correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 30-36, 39-45 and 48-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Tindoll et al. (US 6,070,727).

Regarding claim 30, Tindoll ('727) teaches a packing material (See col. 1, ll. 4-6, FIG-5, entire FIG and FIG-5 pasted below.), comprising a first triangular wall (col. 2, ll. 61-63 and FIG-5, triangular wall #3); a second triangular wall (See col. 2, ll. 61-63 and FIG-5 triangular wall, not shown, on the bottom side and opposite top triangular wall #3.); a first rectangular side wall (FIG-5, rectangular wall #13); and a second rectangular side wall (FIG-5, second rectangular wall #15.), wherein the first rectangular side wall connects a first side of the first triangular wall and a first side of the second triangular side wall (See FIG-5, wherein wall #3 with side #17 is connected to the first side #19 of the second triangular wall on the bottom by rectangular wall #13), the second

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rectangular side wall connects a second side of the first triangular wall and a second side of the second triangular wall (See FIG-5 wherein rectangular wall #23 connects the second side of #9 of triangular wall #3, via third triangular wall #5 and the 4<sup>th</sup> triangular wall, the wall opposite #5 on the bottom to the 2<sup>nd</sup> triangular wall with second side opposite #9 on the bottom.), and a third side of the first triangular wall and a third side of the second triangular wall are not connected to the first or second rectangular side wall so that an opening is created along the third sides of the first and second triangular walls (See FIG-5 wherein the 3<sup>rd</sup> side of #3, which is on the upper right side of #3 facing #25, and the corresponding 3<sup>rd</sup> side of the second triangular wall on the bottom, which are not connected to rectangles #15 and #19).

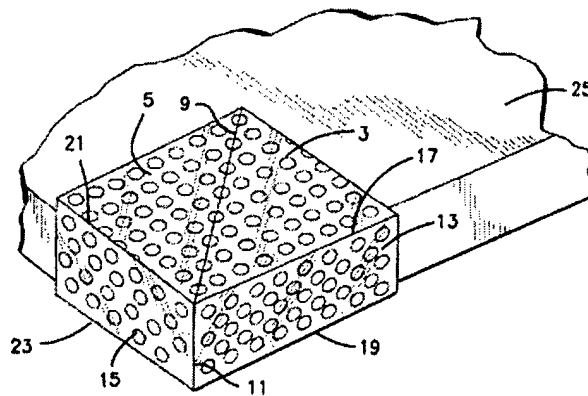


FIG. 5

The phrase "formed by holding a gas bag" in claims 30 and 39, line 1 of both claims are **process limitations** in product claims and hence not given any patentable weight since patentability of a product does not depend on its method of production (see MPEP § 2173.05(p)).

Regarding claim 31, Tindoll ('727) teaches a material further comprising a partition separating a portion of the gas bag from another portion of the gas bag (See *FIG-5 and col. 2, l. 41 wherein each of the circular bubbles are partitioned from each other.*).

Regarding claim 32, Tindoll ('727) teaches a material wherein the partition comprises a film adhered to an inside wall of the gas bag (See *col. 2, ll. 62-65 and FIG-5 wherein the film covering the bubbles is adhered to the inside wall of the bag.*).

Regarding claim 33, Tindoll ('727) teaches a material further comprising a set of vertical partitions so that the gas bag is divided into a plurality of sub bags with respect to a plane parallel to a primary plane of the air bag, wherein each of the vertical partitions comprises a film (See *FIG-5 wherein the non-bubble film areas vertically partition the horizontally situated bubbles.*).

Regarding claims 34-36, Tindoll ('727) teaches a material further comprising a horizontal partition so that the gas bag is divided into a plurality of sub bags with respect to a plane normal to the primary plane, and another set of the vertical partitions, wherein the set of vertical partitions and the another set of the vertical partitions are disposed on opposite sides of the horizontal partition (See *FIG-5 and col. 2, l. 41 wherein the horizontal partitions divide the bag with respect to the plane normal to the primary plane and the vertical partitions are situated on the rectangular sides and top and bottom surfaces*).

Regarding claim 39, Tindoll ('727) teaches a material and adapted to cover a corner portion of an object, comprising

a bottom wall that is triangular or rectangular (*See FIG-5, col. 2, ll. 61-63, bottom triangular wall opposite #3, not shown.*);

a first side wall that stands on a first side of the bottom wall (*FIG-5, wall #13*);  
and

a second side wall that stands on a second side of the bottom wall (*FIG-5, wall #15*), wherein an apex formed by the bottom wall and the first and second side walls is configured to cover the corner portion of an object (*FIG-5, article covering #25*).

Regarding claim 40, Tindoll ('727) teaches a material further comprising a partition separating a portion of the gas bag from another portion of the gas bag (*See FIG-5 and col. 2, l. 41 wherein each of the circular bubbles are partitioned from each other.*).

Regarding claim 41, Tindoll ('727) teaches a material wherein the partition comprises a film adhered to an inside wall of the gas bag (*See col. 2, ll. 62-65 and FIG-5 wherein the film covering the bubbles is adhered to the inside wall of the bag.*).

Regarding claim 42, Tindoll ('727) teaches a material further comprising a set of vertical partitions so that the gas bag is divided into a plurality of sub bags with respect to a plane parallel to a primary plane of the air bag, wherein each of the vertical partitions comprises a film (*See FIG-5 wherein the non-bubble film areas vertically and horizontally partition the bag with respect to a plane of the bag.*).

Regarding claims 43-45, Tindoll ('727) teaches a material further comprising a horizontal partition so that the gas bag is divided into a plurality of sub bags with respect to a plane normal to the primary plane, and another set of the vertical partitions, wherein

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the set of vertical partitions and the another set of the vertical partitions are disposed on opposite sides of the horizontal partition (*See FIG-5 and col. 2, l. 41 wherein the horizontal partitions, bubbles, divide the bag with respect to the plane normal to the primary plane and the vertical partitions are situated on the rectangular sides and top and bottom surfaces*).

Regarding claim 48, Tindoll ('727) teaches a material further comprising a first surface (*FIG-5, surface #3*);

a second surface (*FIG-5 surface opposite #3 on the bottom, not shown*);

and a set of films each connecting the first and second surfaces (*FIG-5, rectangular sides #15 and #13*),

wherein the films are disposed so that the first surface forms generally a flat surface (*See FIG-5 and col. 2, ll. 61-67 wherein #3 is clearly flat.*).

Regarding claim 49, Tindoll ('727) teaches a material further comprising a surface formed between the first and second surfaces (*FIG-5, wherein side #13 is between the top and bottom surfaces.*).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 37-38 and 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tindoll et al. (US 6,070,727).



Regarding claims 37 and 46, Tindoll ('727) teaches the material discussed above, however, fails to expressly disclose wherein a sub bag above the horizontal partition is narrower than a sub bag below the horizontal partition so that a step structure is formed on a surface of the air bag.

However, Tindoll ('727) teaches a bag with sub bags used to protect articles with various sizes and features, thus it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to vary the dimensions of the bag so as to form a step structure for purpose of protecting articles with various sizes and features (*See col. 3, ll. 21-31 and col. 2, ll. 40-42.*).

Regarding claims 38 and 47, Tindoll ('727) teaches the material discussed above, however, fails to expressly disclose wherein a sub air bag in the first triangular (triangular bottom) wall located adjacent the third side of the first triangular wall (a side of the triangular bottom wall opposite from the apex) is shorter than a sub air bag in the first triangular (triangular bottom) wall located away from the third side of the first triangular wall (triangular bottom).


However, Tindoll ('727) teaches a bag with sub bags used to protect articles with various sizes and features, thus it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to vary the dimensions of the bag for purpose of protecting articles with various sizes and features (*See col. 3, ll. 21-31 and col. 2, ll. 40-42.*).

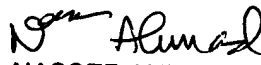
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent T. O'Hern whose telephone number is (571) 272-0496. The examiner can normally be reached on M-F, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-2172. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Brent T O'Hern  
Examiner  
Art Unit 1772  
August 3, 2006

  
NASSER AHMAD  
PRIMARY EXAMINER 8/3/06